

Special Assistance

in Arizona for
Individuals Determined to Have
a Serious Mental Illness

Office of Human Rights
Division of Behavioral Health Services



Objectives

After completing this training you will be able to:

1. Describe the basics of Special Assistance.
2. Apply the criteria to determine whether an individual determined to have a Serious Mental Illness is in need of Special Assistance.
3. Properly document the determination in the clinical record.
4. Follow the process to notify the Office of Human Rights (OHR).
5. Take steps to ensure the person providing Special Assistance is involved in the individual's treatment through service and discharge planning, grievances/ investigations and appeals.

What Is Special Assistance?

In a nutshell, Special Assistance is:

The support and help provided to an individual with a SMI who is also unable - due to a specific condition - to communicate his or her preferences and/or to participate effectively in the development of his or her service plan, discharge plan, the appeal process and/or grievance/investigation processes.

General Requirements

It is important to view the Special Assistance determination as a two-step approach:

1. Deciding if an individual determined to have a Serious Mental Illness (SMI) meets the criteria, and
2. If meets criteria, notifying the Office of Human Rights (OHR) using the established process about how the individual meets criteria and whether someone is involved who could provide Special Assistance.

General Requirements: Who Can “Assess”

The Arizona Administrative Code and ADHS/DBHS policy provide that the following can determine whether an individual determined to have a SMI is in need of Special Assistance (will refer to as “notifier” or “provider” during this training):

- Qualified Clinician
- Case Manager
- Clinical Team of T/RBHAs
- T/RBHA
- Program Director of a Subcontracted Provider
- ADHS/DBHS Deputy Director
- Administrative Hearing Officer

General Requirements: Criteria

An individual who has been determined to have a Serious Mental Illness (SMI) is in need of Special Assistance if:

- According to staff qualified to make the determination (see slide #5), he/she is unable to do any of the following:
 - Communicate preferences for services
 - Participate effectively in service planning (ISP) or inpatient treatment and discharge (ITDP) planning
 - Participate effectively in the appeal, grievance, and/or investigation processes.

General Requirements: Criteria (cont.)

- The individual's limitations must be due to any of the following:
 - Cognitive ability
 - Intellectual capacity (significantly diminished capacity)
 - Language barrier (an inability to communicate that extends **beyond** what an interpreter/translator can address)
 - Medical issue (including, but not limited to, severe psychiatric symptoms that affect communication/cognition)
- Please note that individuals who are under a general guardianship (not a limited guardianship) have been deemed “incapacitated” and automatically meet criteria.

General Requirements: Criteria (cont.)

- Proper application of the criteria will generally **not result** in identifying individuals who
 - need things explained in simpler terms/take additional time to understand information
 - are able but not willing to participate
 - can speak and advocate for themselves but present with interpersonal issues that make working with them challenging, or
 - need more regular and effective engagement.



Special Needs vs. Person in Need of Special Assistance

- An individual with special needs is different from being in need of Special Assistance. Some examples of an individual with special needs is someone who:
 - Does not speak English
 - Does not know how to read or write
 - Is deaf, hard of hearing, blind or has a physical disability

Special Needs vs. Person in Need of Special Assistance (cont.)

- The clinical team/T/RBHA/provider is required to arrange for a qualified interpreter/translator, staff who speak the language fluently or other reasonable accommodations to meet the individual's special needs.
- An individual who has a special need, does not generally meet the criteria for Special Assistance. A notification to OHR about an individual with a special need is **not** required.

General Requirements:

When to Assess

At the individual's initial assessment and on an on-going basis thereafter (but only if already determined to have a SMI). Minimally, the assessment should occur *

- prior to ISP meetings and reviews,
- prior to ITDP meetings and reviews,
- when a grievance or an appeal is filed, or
- when conditions exist that may constitute a basis for filing a grievance or an appeal.

*As of July 1, 2010, if individual is not Title 19-enrolled, assessing is only required when the person has an inpatient stay at the Arizona State Hospital or when appeal or grievance/request for investigation is filed.

Review of General Requirements

In determining whether someone meets Special Assistance criteria, it is important that the provider

- Is familiar with the individual
- Looks at the “big picture” with respect to any factors affecting the individual’s ability to participate effectively
- Recognizes that “special needs” or other factors, such as an individual who needs extensive engagement to encourage participation in recovery, do **not** satisfy Special Assistance criteria
- Be willing to collaborate with other providers, inpatient staff, etc.
- If the individual meets the Special Assistance criteria, the notifier must identify the individual as such and send OHR the notification form, regardless of whether there is a guardian, designated representative, family member or friend involved.

Required Process

The provider must

1. Assess whether an individual determined to have a SMI is in need of Special Assistance using the criteria discussed above.
 - Document in the clinical record the details: date assessed, specific circumstances considered and whether or not the individual meets criteria for Special Assistance.



Required Process (cont.)

2. Within three (3) working days of identifying the individual as in need of Special Assistance, notify the Office of Human Rights (OHR) and the Tribal or Regional Behavioral Health Authority (T/RBHA) using the Special Assistance form, Part A.
 - If assistance is needed immediately, submit the notification immediately and contact OHR to inform of the urgency.
 - Attempt to inform the individual about the notification.

Required Process (cont.)

OHR will then

1. Review the information provided to ensure sufficient information to support the individual meets the basic criteria for Special Assistance and, if necessary, request additional information from the notifier.

Please reply promptly to OHR requests for additional information - no ROI is needed to share information with OHR to process the notification (with the exception of any information about substance use).

Required Process (cont.)

2. Within three working days of receipt of the notification (or, if requested, receipt of any additional information), complete and return Part B of the notification form to the clinical team and RBHA. The completed Part B will indicate
 - A summary of how the person meets the basic criteria (or does not, after further review by the notifier).
 - The name, relationship, and contact information for the person assigned to provide Special Assistance (this could be a guardian, family member, friend, OHR advocate, etc).

Required Process (cont.)

- In completing Part B, OHR determines whether someone involved can provide Special Assistance or if the individual needs an advocate assigned.
- If a guardian or another person is able to provide Special Assistance, OHR will make contact to inform them of the Special Assistance status and to offer information about SMI rights, OHR and the process to request direct or technical assistance from OHR.
- If OHR assigns an advocate, the advocate will begin to work with the individual and the team, as detailed in slide # 25.



Required Process (cont.)

Upon receipt of the form from OHR, the provider must

- Maintain all pages of the Notification for Special Assistance form (PM form 5.4.1) in the individual's comprehensive clinical record (and good practice dictates also documenting the client as "Special Assistance" and the person providing it in the ISP, face sheet, progress notes, etc.).
- Keep the person providing Special Assistance involved as required by Provider Manual 5.4 – see slides # 23-25 for details.

Activity: Question 1

Antonia is a 19 year old female who is diagnosed with bipolar disorder and cognitive impairment (she is also enrolled with the Division of Developmental Disabilities). She is a person enrolled with a SMI. She has a general guardian. Antonia's cognitive impairment affects her ability to communicate her wishes and her participation in ISP meetings. She currently has a potential service issue that may require the filing of an appeal.

Is Antonia in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 2

Augusto is a 32 year old male who lives in his own home. He is diagnosed with major depression and PTSD and is a person enrolled with a SMI. He does not like to venture outside of his house very often, although he is willing to come to the clinic for the meeting. His first language is Spanish and he does not speak, read nor write English well. His ISP update meeting is scheduled for next week. He is willing to come to the clinic for the meeting as long as transportation is provided.

Is Augusto in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Activity: Question 3

Guy is a 46 year old male who is currently in an inpatient setting. He is a person who is enrolled with a SMI, and is diagnosed with schizoaffective disorder and borderline intellectual functioning. He has a limited guardianship in place – a guardian for medical issues only (does not include psychiatric issues). Guy has difficulty remembering people, including those he has recently met, and difficulty processing ideas and thoughts. When asked a question he usually does not respond to the question and instead talks about random things, appearing as if he does not comprehend the question asked. For example, when asked if he knows what his treatment plan is his response is “I like carrots, tomatoes, broccoli, and radishes....I also buy 18 yogurts when I go to the store.”

Is Guy in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

Required Process: When Special Assistance Ends

What happens when an individual no longer meets criteria for Special Assistance?

- The notifier/provider must notify OHR within ten days of the determination that the individual no longer meets criteria using Part C of the notification form (the original from the clinical file).
- The notification must include
 - the reason(s) that the individual no longer meets the criteria to be in need of Special Assistance
 - the effective date
 - the date the form is completed, and
 - The name, position and contact information of the person submitting the form.



Required Process: Ensuring Involvement

The provider must maintain open communication with the person providing Special Assistance (the assigned advocate, guardian, family member, and/or friend). The provider must contact the person(s) to involve them in*

- ISP planning and reviews (including any time the individual is making decisions about service options, a service is being modified, or a service is being terminated)
- ITDP planning (this includes any time a person goes into an inpatient psychiatric setting)
- Investigation, grievance or appeal processes (or when filing a grievance or appeal may be warranted).

*As of July 1, 2010, if individual is not Title 19-enrolled, unsolicited communication is required only when the person has an inpatient stay at the Arizona State Hospital or files an appeal or grievance/request for investigation.

Required Process: Ensuring Involvement (cont.)

The person providing Special Assistance will

- Communicate regularly with the individual to ensure as much input and involvement as possible
- Attend meetings and provide input to the ISP (and when applicable ITDP) as a member of the team.
- Help the individual understand, exercise and protect his/her rights, in particular with respect to decisions involving services.
- Be familiar with the service planning, discharge planning, appeal and grievance processes and provide the individual assistance as appropriate.
- For guardians, family or friends assigned, contact OHR for information or assistance, if needed.

Required Process: Ensuring Involvement - OHR

When OHR is newly assigned to provide Special Assistance to an individual, the advocate will contact

- the person in need of Special Assistance
- the team for an update and for relevant records.
 - When OHR staff requests records for an individual in need of Special Assistance, OHR customarily provides an Authorization for Release of Information (ROI) signed by the client, even though it is not required (with the exception of information regarding substance use).
 - In the event OHR staff does not provide an ROI, the team should conclude OHR was unable to obtain an ROI and release the records with any information on substance use redacted.

Activities: Discussion & Review

Break into small groups for Activities 4-6 and discuss the results together in the large group.



Activity: Question 4

Johnny is a 60 year old male with anxiety disorder and some dementia-like symptoms, is enrolled with a SMI and is currently identified as in need of Special Assistance. His brother is assigned to provide Special Assistance. Johnny lives in a supported apartment setting and attends counseling sessions weekly and a peer clubhouse setting three days a week. He recently told his therapist, who is co-located at the case management provider site, that he no longer wants to be in counseling. He also told her that he only wants to go to the peer clubhouse once per week. The therapist cancels his next counseling session and encourages him “to do what he thinks is best for himself.” Did the therapist act accordingly here? Why or why not?

Activity: Question 5

Juanita is a 55 year old female who has schizoaffective disorder, is enrolled with a SMI and is identified as in need of Special Assistance. The Office of Human Rights assigned an advocate to provide Special Assistance and assist a family member guardian, who does not always put Juanita's needs first. She lives in a residential placement but was just admitted to an inpatient setting.

What are the obligations of the case management provider with respect to ensuring involvement of the people providing Special Assistance?

Activity: Question 6

Tony is a 35 year old male diagnosed with PTSD has a traumatic brain injury (which affects his general cognitive ability), is a person with a SMI and is identified as in need of Special Assistance. The Office of Human Rights has an advocate assigned to provide Special Assistance. He lives in his own apartment.

He and his advocate recently arranged with the case manager to start the inter-RBHA transfer process as Tony is relocating to another GSA in Arizona.

What is the current provider's obligation because Tony is Special Assistance? What is the receiving provider's?

Activity: Question 6 (cont.)

What are the respective obligations if instead

- Tony wants to transfer within the same GSA to another provider?
- The current provider wants to assign Tony (or Tony requested) to another case manager and/or doctor?
- Tony moved out of state and the provider/RBHA plans to close his enrollment?

OHR's Special Assistance-Related Functions

- OHR maintains a list of individuals in need of Special Assistance, the areas of need, who is addressing the needs and other relevant data.
- OHR prepares reports as follows:
 - Monthly reports for the Human Rights Committee for each region
 - Quarterly reports for each T/RBHA.
- OHR reviews grievances and appeals filed by individuals in need of Special Assistance and as needed, provide assistance in resolving them.



T/RBHA's Special Assistance Data Administration

- The T/RBHA is required to maintain data on individuals in need of Special Assistance and work with OHR to keep the data as up-to-date as possible.
- Case management providers must follow the internal process for reporting to the T/RBHA Administration:
 - The reporting of new Special Assistance individuals or transfers;
 - The updating of changes to individuals' information whose guardian, family member, or friend is providing Special Assistance, including but not limited to:
 - Individual's contact information
 - Assigned case manager: name and contact information
 - Person meeting the needs: name and contact information.

Other Requirements

- The Human Rights Committee (HRC) for the region is responsible for making regular visits to the residential settings of Special Assistance individuals to ensure that their needs are being met and to determine their satisfaction with the care.
 - HRC members do not need an Authorization for Release of Information (ROI) in order to visit individuals in need of Special Assistance.
 - HRC members generally need a ROI to view individuals' records.
- The individual, a guardian or a designated representative can appeal the determination that a person needs (or does not need) Special Assistance through the SMI appeal process.

Post-Test & Questions

Please take the post-test.

If you have questions about the training,
please let the presenter(s) know.



Resources

- Arizona Administrative Code, R9-21-101.B.13 and R9-21-301.C.1 & 2
(www.azsos.gov/public_services/Title_09/9-21.htm)
- Special Assistance Summary (see handout)
- DBHS Policy and Procedures GA 3.4
(www.azdhs.gov/bhs/policy.htm)
- ADHS/DBHS (or T/RBHA) Provider Manual section 5.4 (www.azdhs.gov/bhs/provider/index.htm)
- Office of Human Rights Webpage
(www.azdhs.gov/bhs/ohr.htm)

Contacts & Acknowledgments

If you have questions about Special Assistance, contact your T/RBHA or provider. Or call the Office of Human Rights (OHR) at

Phoenix
602-364-4585
800-421-2124

Tucson
520-770-3100
877-524-6882

Flagstaff
928-214-8231
877-744-2250

The OHR prepared the original version of this training (2007) with input from each of the RBHAs. It is updated periodically, with the current version available on the OHR webpage of ADHS/DBHS website: www.azdhs.gov/bhs/ohr.htm.